

**Stow Conservation Commission
Minutes
May 17, 2022**

A meeting of the Stow Conservation Commission was held on May 17, 2022 at 7:30 in the evening remotely VIA Zoom Videoconferencing in accordance with the Governors' Executive Order on Remote Meeting participation.

There were present: Serena Furman, Chair
Matt Styckiewicz, Vice Chair
Liza Mattison
Holly Clack
Doug Morse
Ingeborg Hegemann Clark

Absent: Jeff Saunders

Also Present: Kathy Sferra, Conservation Director
Jacquie Goring, Conservation Assistant
Tom Porcher, Associate Member

Serena Furman called the meeting to order at 7:30 pm.

Minutes

Matt Styckiewicz moved to approve the minutes of May 3, 2022 as amended. Liza Mattison seconded and the motion was approved unanimously with Ingeborg Hegemann Clark abstaining.

Sferra announced that the representative for the 7:45 PM hearing has a conflict and has requested for the hearing to be moved until after the Commission's 8PM appointment.

Staff and Commission Member Updates

Sferra updated the Commission on Town Meeting noting that the Commission's budget and water chestnut warrant article passed. Sferra added that the article to transfer the Gleasondale School lot from the Conservation Commission to the Recreation Commission passed after some debate including concerns about the school lot being used for parking and not being offered to Committees.

Doug Morse arrived at 7:35 PM

Request for Determination of Applicability (RDA) – Karen & David Gray – 12 Pine Point – David and Karen Gray were present. Serena Furman read the hearing notice. David Gray stated that the existing concrete steps to the lake have been in place for 12-15 years and the freeze/thaw cycle has made them unsafe. The stairs are constructed out of allan block and are dry stacked except for the top

course. The proposed work includes lifting up the existing stairs, regrading and leveling them with additional gravel, and re-setting the blocks. Straw wattle is proposed for erosion control.

Doug Morse visited the property and agreed the steps are unsafe and the work will be replaced in kind to address the settling that has occurred over time. Morse added that the proposed addition of gravel will also allow for better drainage. Gray confirmed they will be reusing the same materials and just resetting the steps. Sferra shared photos taken by Morse during the site visit. Morse added that the retaining walls on either side of the stairs show no signs of heaving. Morse believes that the first step was level with the top of the retaining wall and has moved significantly. *Doug Morse moved to close the hearing. Matt Styckiewicz seconded and the motion was approved unanimously.*

The Commission discussed conditions for the Determination and agreed that straw wattle should be installed in accordance with the plan. Morse noted that the straw wattle is proposed to be installed on a hard surface and may need to be backed with gravel. *Doug Morse moved to issue a Negative 3 Determination. Ingeborg Hegemann Clark seconded and the motion was approved unanimously.*

Wetland Permitting Issues for Discussion – Police Station Paving – Sferra reviewed the Police Station repaving project within 100’ of wetlands and Minister’s Pond. Sferra confirmed the repaving was done within the footprint of the existing parking lot. Handicap ramp improvements and removal of the drain in front of the garage was also completed. The drainage pipe was sealed, eliminating a point source to the pond. The Commission discussed the work completed without a permit. Sferra confirmed no work was done on the septic system. Erosion controls were in place during the work. Sferra confirmed there was limited disturbed earth outside the paving area. The edge of pavement is within 60 feet of the pond. The Commission noted that the Town should be treated as any other applicant would be. Sferra noted that the work would have likely been done through a Request for Determination of Applicability (RDA). Sferra added that if the Town filed an RDA for the work the discussion would have included changes to the drainage system and requiring erosion controls, but the outcome would not likely have been any different. There is no permitting fee for Town related projects.

Sferra noted that an Order of Conditions was issued when the Police Station was built and never closed out with a Certificate of Compliance (COC). Work occurred within flood plain and compensatory flood storage was required. Low salt use was also included as a condition in the Order. Sferra recommended that the Commission require the Town to close out the permit with a COC and review any conditions as a reminder to the staff maintaining the parking lot. The Commission agreed that the Highway Department should file a Request for COC and be reminded the Police Station repaving required a permit. Sferra will follow up with the Highway Department.

Staff and Commission Member Updates

- Sferra posted coyote signage at Captain Sargent Conservation Area regarding leashing dogs.
- Sferra contacted Waste Management regarding the Hudson Road wood cutting operation. The permit requires restoration by July 2022. The Order has not been recorded and there have been no updates. Sferra got a response from Waste Management stating that the tenant is expected to do the work this spring and if it not completed by the deadline, they will end the tenancy.

- Staff met with Board members of Arbor Glen to discuss mowing on Conservation Commission land and clearing within the Commission's jurisdiction. Sferra noted that the Order for Arbor Glen requires quarterly storm drainage inspections and that no other development in Stow has the same requirement. Sferra added that the Arbor Glen Board members will be filing for a permit for the proposed clearing and the Commission could review the Order requirements at that time.
- Sferra attended Christian Eld's Eagle Scout ceremony and asked if Commission members are able to attend an upcoming ceremony for another Eagle Scout who completed a project for the Commission.
- Jim Wheeler and Dave Schroeder have been selected as the two seasonal Trail Stewards. Sferra has been lining up projects and plans for "Trail Work Tuesdays" and invited Commission members to join. The first Tuesday will be constructing the trail on the Open Space at Joanne Drive.

Appointment – Jennifer McKechnie and David Leone, GZA – Susan Ruch and Ken Sanderson from the Division of Capital Asset Management and Maintenance and Jennifer McKechnie and David Leone from GZA were present to discuss the request to install a data logger at Hallock Point Conservation Area. McKechnie stated that GZA is continuing the PFAS assessment at the Fire Academy. GZA plans to install a gauging station at Lake Boon and another at White Pond in Hudson. McKechnie stated the gauging station will be a hand driven six-inch pipe with a monitoring device submerged below the water. Cable will be run to a post-mounted data logger on the shoreline. Data will be transmitted to the Fire Academy. McKechnie stated that the gauging station will be used to collect water levels for one year to assess the relationship between the two water bodies. McKechnie added that they hope to install the data logger next week and it will have a minimal footprint of disruption to Hallock Point.

Dave Gray, Lake Boon Association, noted that the lake level is draw down 6-18" every year so GZA should anticipate that the data logger might get frozen. Gray added that the LBA would like to have the data they collect. Gray also noted that the area proposed for the data logger is very shallow and they may need to go out far from the shoreline to submerge the equipment the required fourteen inches. David Leone stated they will reach out if the selected location does not. Sferra added that water depth on the north side of Hallock Point is deeper and asked if the Commission would allow flexibility on the location. Sferra also noted that a sign on the post with information on what the data logger is would be helpful. Leone stated that they will post a sign including a phone number. Leone also requested flexibility in the location of the data logger and confirmed GZA would provide GPS coordinates once installed. *Matt Styckiewicz moved to allow the data logger to be installed at Hallock Point Conservation Area with flexibility on the location. Holly Clack seconded and the motion was approved unanimously.*

RDA – Charles and Leslie Bell – 2 Marlboro – Dan Wolfe, David E Ross Associates Inc., and property owners Charles and Leslie Bell were present. Wolfe stated that the Bell's would like to construct a barn north of the existing house within 100' of the 100-year flood plain. Wolfe noted that the Wetland Protection Act does not have a buffer to flood plain but the Stow Wetlands bylaw has a 100' buffer. Wolfe reviewed plans for the barn and the resource areas including wetlands located over 200 feet away. A gravel driveway is proposed outside the buffer to flood plain. Minor grading will be needed to level the area for the barn and straw wattle will be used to delineate the work area. The barn is proposed within 35 feet of the 100-year flood plain line at the closest point. Wolfe added that the flood plain is an obvious low-lying area.

Liza Mattison visited the site and reviewed photos noting that there is no significant grading proposed. Mattison clarified the location of the proposed porch on the barn and reviewed the flood plain line. Charles Bell confirmed that trees will be removed around the proposed barn area to allow equipment to be stored under the eaves of the barn. Mattison clarified that the Bell's would like to clear trees from around the proposed barn to allow a tractor to drive around it, but no gravel will be placed around the barn. The Commission confirmed all the proposed tree clearing will be within the erosion controls and outside the flood plain. Charles Bell clarified that the proposed second story deck and porch will be on the eastern side of the barn. The Commission noted that the bylaw does not have performance standards for the 100' buffer to flood plain but in the past the Commission has evaluated runoff from the proposed work. The Commission confirmed stormwater from the gravel driveway and roof run off will infiltrate into the ground and will not negatively impact the buffer zone. *Ingeborg Hegemann Clark moved to close the hearing. Liza Mattison seconded and the motion was approved unanimously.*

The Commission discussed any conditions needed for the Determination and agreed erosion controls should be installed in accordance with the plan. *Ingeborg Hegemann Clark moved to issue a Negative 3 Determination of Applicability. Holly Clack seconded and the motion was approved unanimously.*

Notice of Intent – Pond View Estates Condominium Trust – Off Whelden Lane – The applicant has requested a continuance until 6/21. *Matt Styckiewicz moved to continue the hearing without testimony to 6/21/22 at or after 7:30 PM. Liza Mattison seconded and the motion was approved unanimously.*

Wetland Permitting Issues for Discussion – 222 Barton Boat-port – Sferra noted that a structure is being built on the shoreline of 222 Barton Road. Sferra met with Ron Gerhardt at the property, and discussed the Chapter 91 process and need for a permit with the Conservation Commission. Sferra confirmed with Waterways staff that there is no Chapter 91 permit for 222 Barton and confirmed with the DEP circuit rider that the work also requires a permit with Commission. Sferra contacted property owner Linda Cornell after confirming both issues and stopped work. Sferra requested the Commission authorize her to issue an Enforcement Order ordering no further work be done on the structure and that it not be used until permitted with the Commission. Sferra reviewed a photo of the structure which is a canopied boat lift. Waterways staff confirmed that the structure having a canopy increases the square footage which changes the type of license required for Chapter 91. Sferra confirmed that a Chapter 91 permit will not be issued without an Order of Conditions. The Commission discussed a deadline for the property owners to submit a Notice of Intent (NOI) and agreed an NOI for the structure should be filed no later than June 15th to be heard at the July 5th meeting. *Ingeborg Hegemann Clark moved to authorize the issuance of an Enforcement Order to the owners of 222 Barton Road. Liza Mattison seconded and the motion was approved unanimously.*

Discussion – Temporary Signs on Town Conservation Land – Policy – Sferra noted that the Town sign bylaw does not prohibit the placement of temporary signs on Town Conservation Land and recommended a policy be put into place to prohibit them. The Commission reviewed a draft Temporary Signs policy and agreed with implementing the policy as written. *Holly Clack moved to*

approve the Temporary Signs on Town Conservation Land policy as written. Matt Styckiewicz seconded and the motion was approved unanimously.

Sferra noted that she provided the Commission a draft policy on complaints and will add discussion of the policy on the next agenda and welcomed Commission member input.

Staff and Commission Member Updates - Continued

- Sferra noted an unusual incident last week of a local pest control dumping a large quantity of dead mice next to a wetland. The concern was the mice were likely poisoned and pose a threat to predators. A formal complaint was made with the Animal Control Officer and Mass Wildlife confirmed that is not consistent with how dead animals should be disposed of. The Police will follow up with the company.
- Holly Clack and Matt Styckiewicz agreed to visit Joanne Drive Lots 6 & 7.
- Sferra reviewed the proposed construction of the trail on the Joanne Drive Open Space parcel and the canoe launch area required by the Planning Board decision. An Eagle Scout will construct a kiosk at the entrance. Sferra plans to send a letter to abutters about the property transfer to the Commission, letting them know they are welcome to continue to use the trail through the new entrance.

Discussion – Healthy Lake Boon Action Plan Draft – The Commission discussed the Healthy Lake Boon meeting held on May 10th and the draft Action Plan to be reviewed at the Lake Boon Annual Meeting on June 5th. The Commission noted questions including if phosphorus will eventually be completely removed from the lake bottom sediment overtime and how much of the phosphorus in sediment is coming from Monahan’s Cove. The Commission also discussed the impacts of drawdown on phosphorous in Lake Boon and downstream. Ingeborg Hegemann Clark noted a study on sediment fluxing of phosphorus in the Assabet River done by the Army Corps and will share a graphic on the phosphorus cycle with the Commission by email. The Commission discussed the phosphorus issues in Stow from sediment and in Hudson from Monahan’s Cove. The Commission also discussed how groundwater and upwelling might play a role. The Commission reviewed possible improvements that they could be implemented including requiring buffer strip plantings, lake friendly landscape design, and discourage hardscaping.

At 9:10 PM, Holly Clack moved to adjourn, Matt Styckiewicz seconded and the motion was approved unanimously.

Respectfully submitted,

Jacquelyn Goring, Conservation Assistant

Materials Used at Meeting

Meeting Packet

12 Pine Point site visit photos

2 Marlboro site visit photos

Temporary Signs on Town Conservation Land Policy draft

Healthy Lake Boon Action Plan Draft

Conservation Commission Minutes

5-17-22

Approved 5-31-22